

AUG. 20. 2002 10:23AM

THOMPSON HINE

NO. 6367 P. 1

**THOMPSON
HINE**

BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON WASHINGTON, D.C.

FAX COVER PAGE

PAGES: 5 including cover

DATE: August 20, 2002

FROM: John M. Mueller

TO: Jiping Lu
U.S. Patent and Trademark Office

FAX: 703-746-4565
PHONE:

CKW 01355.. 217633.1

CKW 01355..

CONFIDENTIALITY NOTICE: THE INFORMATION IN THIS TRANSMITTAL IS CONFIDENTIAL AND INTENDED ONLY FOR THE RECIPIENT LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR A PERSON RESPONSIBLE FOR DELIVERING THIS TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING OF THIS TRANSMITTAL IS PROHIBITED. IF YOU RECEIVED THIS TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US AND RETURN THE TRANSMITTAL TO US AT OUR EXPENSE.

THOMPSON HINE LLP

2000 Courthouse Plaza, N.E.
10 West Second Street
Dayton, Ohio 45402-1758

John.Mueller@ThompsonHine.com
Fax 937.443.6637
Phone 937.443.6832

Received from < 937 443 6837 > at 8/20/02 10:37:52 AM [Eastern Daylight Time]

Amendment

Serial No. 09/669,138

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:

Applicant : Pollock et al.
Serial No. : 09/669,138
Filed : September 26, 2000
Title : Inlet Baffle for Water Heater
Docket : 006593-1868
Examiner : Lu, Jiping
Art Unit: : 3749

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

DRAFT AMENDMENT

This amendment is being submitted in response to the Office action dated May 21, 2002. Reconsideration and review is respectfully requested in light of the amendments and remarks presented below.

IN THE CLAIMS:

Please cancel all of the unallowed pending claims in the application and enter new claim 17 as directed herein.

Remarks

In the Office action dated May 21, 2002 the Office rejected applicant's claims over the previously cited art. In a telephone conference with examiner Jiping Lu on August 13, 2002, the examiner indicated that the embodiment shown in drawing Fig. 8 included subject matter that would be allowable over the cited prior art. Applicant accordingly submits new claim 17 in accordance therewith.

Amendment

Serial No. 09/669,138

Support for New Claim

Support for the new claim added herein can at least be found in the claims, drawings and specification of the application as filed. More particularly, as can clearly be seen in drawing figure 8, support can be found as follows:

17. An inlet baffle for a water heating booster comprising:
a baffle assembly (20B) positioned over a water inlet (12), said baffle assembly comprising an inner cover (22B) positioned over said inlet having openings therein, an outer cap (24B) positioned over said inner cover and spaced apart therefrom by a spacer bracket (54) and wherein said outer cap includes a flange (34B) depending downwardly from said outer cap.

Conclusion

For the foregoing reasons, the applicant respectfully submits that new claim 17 is allowable over the prior art of record and issuance of a Notice of Allowance is respectfully requested.

If the examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

DRAFT

Respectfully submitted,



John M. Mueller, Esq.
Reg. No. 44,248

Amendment

Serial No. 09/669,138

THOMPSON HINE LLP
2000 Courthouse Plaza, N.E.
10 West Second Street
Dayton, Ohio 45402-1758
(937) 443-6832

Amendment

Serial No. 09/669,138

MARKED-UP AND CLEAN VERSION CLAIMS**IN THE CLAIMS:**

Please cancel pending claims 1-9, and 10-16.

Please add the following new claim 17.

17. An inlet baffle for a water heating booster comprising:
a baffle assembly positioned over a water inlet, said baffle assembly comprising an inner cap positioned over said inlet including an inner cover having openings therein, an outer cap positioned over said inner cover and spaced apart therefrom by a spacer bracket, and wherein said cap including a flange depending from said outer cap.